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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,971

02/25/2002

Satoshi Goto

450100-03763

6926

20999

7590

08/25/2004

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

NEGRON, DANIEL L

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/083,971	<b>Applicant(s)</b> GOTO ET AL.	
	<b>Examiner</b> Daniell L. Negrón	<b>Art Unit</b> 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Drawings***

2. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Matthews et al U.S. Patent No. 5,671,098.

Regarding claim 1, Matthews et al disclose a magnetic reproducing device (Fig. 1) comprising a signal detecting means (14) for detecting a signal from a magnetic recording medium (10) by a coil (34), an amplifying means (26) for amplifying the signal detected by the

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signal detecting means, a filtering means for filtering the signal amplified by the amplifying means (column 7, lines 28-32).

Although a filter is not explicitly shown in the figures, the device disclosed by Matthews et al features components which are configured to manipulate the frequency response of the signal, therefore it is considered that the limitations are met by the reference.

Matthews et al further disclose a capacitor (42) connected in parallel to the coil of the signal detecting means (see Fig. 2 and disclosure thereof).

Matthews et al further disclose a magnetic reproducing device wherein the actual resonance frequency of a resonance circuit including a coil (34), the capacitor (42), and a floating (i.e. damping) capacitance is set to a optimum resonance frequency as twice the maximum (i.e. high) reproduction frequency (column 4, lines 26-30).

Furthermore, the range of the resonance frequency set to being four to eight times the maximum reproduction frequency holds no patentable weight because it is not inventive to discover the optimum or workable ranges by routine experimentation (see *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al U.S. Patent No. 5,671,098 in view of Sakai et al U.S. Patent No. 4,656,533.

Regarding claims 2 and 3, Matthews et al disclose a magnetic reproducing device with all the limitations of claim 1 including a magnetic recording medium (10) as discussed above but fail to show a device wherein the magnetic recording medium is a 3.5 inch micro floppy disk.

However, Sakai et al disclose a magnetic reproducing device wherein 3.5 inch floppy disks are used for the purpose of storing data (column 1, lines 52-64).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the magnetic reproducing device disclosed by Matthews et al with a device capable of reproducing data from a 3.5 inch floppy disk as shown by Sakai et al in order to have the capability to implement the desired functions of the magnetic reproducing device in a portable device such as a laptop computer or digital camera.

Furthermore, the range of the resonance frequency set to being from 1 to 2 MHz with a maximum frequency of 250 kHz or from 2 to 4 MHz with a maximum frequency of 500 KHz holds no patentable weight because it is not inventive to discover the optimum or workable ranges by routine experimentation (see *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

Regarding claim 4, claim 4 has limitations similar to those treated in the above rejections of claims 1-3, and are met by the references as discussed above. Claim 4 however also recites the following limitations:

The magnetic reproducing device wherein the magnetic recording medium is a 3.5 inch micro floppy disk, and a control means is further provided for selectively switching the filtering characteristic of the filtering means response detection of a magnetic signal from the vicinity of the innermost portion of the 3.5-inch micro floppy disk by

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the detecting means, or in response to detection of a magnetic signal from the vicinity of the outermost portion of the disk as disclosed by Matthews et al in column 2, lines 54-65 and column 7, lines 40-49.

Furthermore, Matthews et al shows that frequency is less at an innermost portion of a recording medium while frequency is greater at an outermost portion of the recording medium (column 2, lines 54-65). This variation of frequencies is compensated for during reproduction by the device disclosed by the reference (column 7, lines 40-49).

***Allowable Subject Matter***

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 703-305-6985. The examiner can normally be reached on Monday-Friday (8:30-6:00) Alternate Fridays off.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N. Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
**SINH TRAN**  
**PRIMARY EXAMINER**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN   
August 18, 2004

  
~~SINH TRAN~~  
~~PRIMARY EXAMINER~~  
  
SINH TRAN  
PRIMARY EXAMINER